

ORIGINAL

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)
)
Amendment of Parts 73) MM Docket No. 96-62
of the Commission's Rules To More)
Effectively Resolve Broadcast Blanketing)
Interference, Including Interference)
To Consumer Electronics and)
Other Communications Devices)

RECEIVED

JUL 25 1996

To: The Commission

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS OF WPNT, INC.

WPNT, Inc. ("WPNT"), licensee of FM broadcast stations in the St. Louis, Missouri, and Pittsburgh, Pennsylvania areas,^{*/} hereby submits its Reply Comments in support of those comments filed in the above-referenced proceeding encouraging the adoption of clearly defined responsibilities for broadcasters in resolving blanketing interference.

WPNT is concerned that the adoption of unclear interference protection standards for broadcast receivers and other consumer electronic equipment operating on a wide band of frequencies might create an unlimited liability for broadcasters. Consequently, WPNT supports a voluntary equipment performance certification process which would provide clearly defined protection standards and an allocation of responsibilities between broadcasters, manufacturers and consumers for dealing with interference complaints.

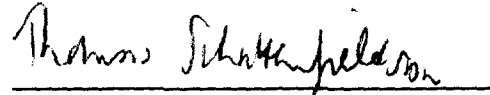
No. of Copies rec'd
List ABCDE

075

^{*/} WPNT is the licensee of Stations KXOK-FM, Florissant, Missouri, WLTI(FM), Pittsburgh, Pennsylvania, and WRRK(FM), Braddock, Pennsylvania.

WPNT's position is set forth in detail in the attached statement prepared by Robert D. Culver, P.E., of Lohnes & Culver, WPNT's consulting engineers.

Respectively submitted,

A handwritten signature in dark ink, appearing to read "Thomas Schattenfeld", is written over a horizontal line.

Thomas Schattenfeld
ARENT FOX KINTNER PLOTKIN & KAHN
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 857-6020

Counsel for WPNT, Inc.

July 25, 1996

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
Amendment of Part 73 of the)	
Commission's Rules to More)	MM Docket No. 96-62
Effectively Resolve Broadcast)	
Blanketing Interference,)	
Including Interference to)	
Consumer Electronics and Other)	
Communications Devices)	

To: The Federal Communications Commission

Reply Comments of WPNT, Inc.

These comments are in reply to the various comments filed in the Notice of Proposed Rule Making ("NPRM") in the above captioned proceeding. They are submitted on behalf of WPNT Inc. ("WPNT"), Licensee of broadcast station KXOK-FM at Florissant, Missouri and other broadcast stations. As a broadcast licensee WPNT is a party at interest to file comments regarding the NPRM which proposes to modify the FCC broadcast Rules.

The NPRM proposes to modify and consolidate the rules governing blanketing interference for all three of the broadcast services; AM radio, FM radio and television. In this process the FCC proposes to clarify and expand some of the present rules to achieve consistency. WPNT supports the FCC's general proposals but supplies its comments on several aspects of the proposed changes brought fourth in the recently filed comments.

RECEIVING DEVICE PERFORMANCE AND MINIMUM CERTIFIED STANDARDS

A common thread in the various comments is the subject of the cause and

responsibility for interference to various consumer devices.¹ The common statement made by the broadcast commenters is that the consumer equipment varies in quality and susceptibility to interference, that in some cases this poor quality borders on defective equipment and the inferior products which suffer interference still require protective efforts from broadcasters. The FCC NPRM proposes to add many classes of "protected" devices which would, without inducement to build better devices, contain significant numbers of such poor quality devices. One commenter states, "The Commission ignores the fact that many consumers have an exaggerated view of their 'rights' to be free of any and all interference, This is as much an impediment to interference resolution as any supposed lack of clarity in the present rules. The rules need to make clear the limitations on anyone's absolute ability to be immune from the effects of blanketing interference."² The continued protection of marginal or sub-standard quality devices will perpetuate this consumer belief in this "right" to be totally protected from interference by broadcaster actions alone, without the requirement for any action on his part to prevent or correct interference.

The rate of occurrence of "interference" appears to be very high, as high as 25,000 complaints to the FCC each year.³ The attribution of the complaints, however, is not heavily weighted to the broadcast industry. As stated, "The agency (FCC) estimates that substantial minorities of these complaints -- 20% concerning AM radio, 10% FM -- involved broadcast sources of RF, while most of the rest were traceable to citizens band ("CB") and amateur radio transmissions".⁴

Interference resistant devices can and are made. Illustrative of this are the comments which discuss interference to Telecommunications Terminal Equipment (telephones), particularly the comments made by Telecommunications Industry Association (TIA). The TIA established Committees and Working Groups to investigate

¹ See comments by; New World Radio, Inc., Lucent Technologies, Inc., du Treil, Lundin & Rackley, Inc., Telecommunications Industry Association and Hammett & Edison, Inc.

² see comments of New World Radio, Inc. at paragraph 2

³ See comments of TIA pp 2-3

⁴ see comments of TIA at p.3

"Electromagnetic Compatibility or EMC" and to recommend remedial actions. The effort resulted in the TIA and EIA (Electronic Industries Association) standard "ANSI/TIA/EIA-631, Telecommunications Telephone Terminal Equipment -- Radio Frequency Immunity Requirements for Equipment having an Acoustic Output (TIA-631)."⁵

Equipment performance standards, such as TIA-631, represent an action which is beneficial to all parties, but an action which remains discretionary with limited cost to all because of the "voluntary" nature of the standard. The FCC could, as it has in the past, mandate non-transmission performance standards. Several commenters discuss the range of performance standards; from mandatory, to voluntary, to none. It appears from the comments, and WPNT agrees, that voluntary standards should be considered for all devices, both radio receivers and others, with incentives that would apply to all parties to implement and observe the standards. Such Rules would be most beneficial for the least total "cost".

Under this standard the manufacturer could build certified equipment which will be more immune to interference and subject to fewer consumer problems and complaints. As a benefit, by certifying compliance with the standard, the manufacturer may accentuate sales of the equipment. Compliance would give the FCC an easily identifiable class of devices to list as protected equipment, making clear the responsibility of all parties for resolving interference. Such equipment may yield fewer complaints to the broadcaster, and other RF source licensees, and in exchange the broadcaster should be willing to afford strong interference protection within a reasonably high incident RF voltage field. If a device is certified as capable of performance to a higher level of incident RF voltage, the Broadcaster and manufacturer should both reasonably expect much fewer and possibly no interference complaints.

AREA OF PROTECTION

The above discussion is an example of a present standard and a potential FCC, broadcaster and industry joint adoption and mutual incentive. This practice can and

⁵ see comments of TIA at p.2

should be extended to the other devices the FCC proposes to list as "protected" devices in the Rules. The classes of compliant devices should be considered as they may relate to all aspects of the proposed new FCC Rules, including the protection radius, time over which broadcaster and/or manufacturer remedial action is required, and the issue of "transient" devices brought into the protection radius. In the case of transient devices, careful consideration should be taken of the nature and use of the device, whether it is truly man-portable and placed in long term residence in the protection area or just mobile with short term presence.

A compliant device should function in a higher RF field and therefore the maximum protection radius within which broadcasters should address complaints should reflect such a field. Various commenters suggest fields ranging from 120 to 130 dBu.⁶ The vast differences regarding the presentation of the transmitted RF field to receivers from AM, FM and TV transmissions, should be considered in either estimating the field or the protection radius. The comments of several parties make clear the apparent contradiction of the definition of the protection area as being the "immediate vicinity" of a broadcast station and a strict calculation of protection radius based on the inverse distance field for very high power TV stations. Where nominal FM facilities may yield a few kilometers radius, full power TV may yield several 10's of kilometers. Such a distance is clearly beyond the "immediate vicinity" and not within an inverse distance field range.⁷

TIME OF PROTECTION

Finally, the issue of the time over which a broadcaster should remain solely responsible for mitigation of received interference, depending on the area and type of device, was the subject of much discussion in the comments.⁸ Considering the potential for many new classes of protected devices, including the possibility of transient and mobile devices, the potential new rules might create a liability in perpetuity for the

⁶ see comments of AFCCE at pages 2 and 6

⁷ see comments of AFCCE at page 5

⁸ see comments of Hammett & Edison, Inc. at page 2

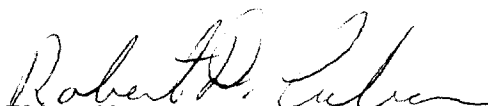
broadcaster. Such a rule would not be reasonable for any party, whether it is the broadcaster, the manufacturer or the consumer. A clearly defined time must exist for any party. The broadcaster's time should start only when a substantial change in transmission facility is made, for example a new or relocated site which adds a new protection area, or an increase in ERP which extends an existing area. Other changes which do not have a substantial effect, such as those which are allowed without prior FCC authorization⁹, should be allowed without renewed liability. Likewise, a rule which permits transient devices to open a new period of responsibility, with each new transient device entering the protection area, should not be adopted. This would create a never-ending liability for the broadcaster¹⁰. Devices taken into a protection area, after expiration of the broadcaster's time to protect such devices, should not be addressed by the broadcaster. Certified devices in this situation may become the responsibility of the manufacturer or of a joint manufacturer/broadcaster/consumer effort, but the total responsibility should not fall on one entity.

CONCLUSION

Fostering the voluntary manufacture and certification of devices with increased immunity to RF EMI will benefit all parties. The FCC's new Rules in MM Docket 96-62 should be crafted to promote certified devices with clearly defined protection requirements. Un-certified equipment should be given less or no protection depending on the particulars and the timing of potential interference producing changes.

Respectfully submitted,
WPNT, Inc.

by



Robert D. Culver, P.E. Consultant
Maryland State Reg. No. 19672

⁹ see FCC Rules at 73.1690

¹⁰ see comments of Hammett & Edison, Inc. at page 3